IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 591 of 2001
(Old No. 391 of 1989)

Baldev Raj ..Revisionist /Applicant

Versus

State of U.P. ..Opposite Parties

Hon'ble B.C. Kandpal, J.

This revision has been transferred from Allahabad High Court. After receipt of file notice was served upon the revisionist Baldev Raj. The report of the C.J.M. is available on the record, which reveals that the revisionist has left the place, which has been mentioned in the memo of revision long back, and his whereabouts at present are not known.

Subsequently bailable warrant was also issued against him but on account of non-availability of the revisionist's address, the same could not be executed.

List has been revised. None appears on behalf of the revisionist. Heard learned A.G.A. and perused the record.

This revision has been filed against the judgment and order passed by IInd Additional Sessions Judge, Nainital dated 31.01.1989 in Criminal Appeal No. 235 of 1986 under Section 7/16 of Prevention of Food Adulteration Act.

The perusal of the record shows that the milk, which was being carried by the revisionist at the time of the occurrence, was found to be adulterated. In the present revision the sample was sent to reanalysis under Section 13(2) of the Prevention of Food Adulteration Act and the Central Food Laboratory found it was to be adulterated.

The memo of revision shows that the revisionist has taken the ground therein that there is inordinate delay in sending the report from the Director, Central Foods Laboratory and there is violation of the provisions of Section 13(2)-B.

I do not find any force in the point, which has been mentioned by the revisionist in the memo of revision because the report, which has been received from the Director, Central Foods Laboratory, indicates that the sample was found to be adulterated. It nowhere indicates that the sample was not worth analysis.

I do not find any illegality, impropriety, infirmity or error of jurisdiction in the judgment and orders passed by the courts below. To my mind, the revisionist has been rightly convicted by the trial court and the decision of the appellate court also based on sound reasoning of principle of law as well as evidence on record. By way of the present revision, I do not find any justification in reassessing the entire evidence on the record.

For the reasons stated above, the revision is dismissed.

The stay order dated 27.03.1989 stands vacated.

C.J.M. concerned is directed to take appropriate steps for taking the revisionist into custody in order to serve out the sentence imposed against him by trial court.

(B.C. Kandpal, J.)

30.07.2004
ASWAL